

LICENSING COMMITTEE AGENDA

Tuesday, 24 January 2017 at 07:15 PM

**Committee Room 1, Braintree District Council, Causeway House,
Bocking End, Braintree, CM7 9HB**

THIS MEETING IS OPEN TO THE PUBLIC
(Please note this meeting will be audio recorded)

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Members of the Licensing Committee are requested to attend this meeting to transact the business set out in the Agenda.

Membership:-

Councillor Mrs J Allen	Councillor H Johnson
Councillor M Banthorpe (Chairman)	Councillor Mrs J Money
Councillor P Barlow	Councillor Mrs J Pell
Councillor J Baugh (Vice Chairman)	Councillor R van Dulken
Councillor J Elliott	Councillor Mrs L Walters
Councillor J Goodman	Councillor Mrs S Wilson
Councillor A Hensman	

Members unable to attend the meeting are requested to forward their apologies for absence to the Governance and Members Team on 01376 552525 or email governance@braintree.gov.uk by 3pm on the day of the meeting.

N BEACH
Chief Executive

INFORMATION FOR MEMBERS - DECLARATIONS OF INTERESTS

Declarations of Disclosable Pecuniary Interest, Other Pecuniary Interest or Non-Pecuniary Interest

Any member with a Disclosable Pecuniary Interest, other Pecuniary Interest or Non-Pecuniary Interest must declare the nature of their interest in accordance with the Code of Conduct. Members must not participate in any discussion of the matter in which they have declared a Disclosable Pecuniary Interest or other Pecuniary Interest or participate in any vote, or further vote, taken on the matter at the meeting. In addition, the Member must withdraw from the chamber where the meeting considering the business is being held unless the Member has received a dispensation from the Monitoring Officer.

Question Time

The Agenda allows for a period of up to 30 minutes when members of the public can speak. Members of the public wishing to speak are requested to register by contacting the Governance and Members Team on 01376 552525 or email governance@braintree.gov.uk no later than 2 working days prior to the meeting. The Council reserves the right to decline any requests to register to speak if they are received after this time. Members of the public can remain to observe the public session of the meeting.

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PUBLIC SESSION

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1 Apologies for Absence

2 Member Declarations

To declare the existence and nature of any Disclosable Pecuniary Interest, other Pecuniary Interest, or non-Pecuniary Interest relating to Items on the Agenda having regard to the Code of Conduct for Members and having taken appropriate advice (where necessary) before the meeting.

3 Minutes of the Previous Meeting

To approve as a correct record the Minutes of the meeting of the Licensing Committee held on 5th January 2017 (copy to follow).

4 Public Question Time

(See paragraph above)

5 Dangerous Wild Animals Act 1976 - Application for a Licence to Keep Wild Animals 4 - 29

6 Urgent Business - Public Session

To consider any matter which, in the opinion of the Chairman, should be considered in public by reason of special circumstances (to be specified) as a matter of urgency.

7 Exclusion of the Public and Press

To agree the exclusion of the public and press for the consideration of any Items for the reasons set out in Part 1 of Schedule 12(A) of the Local Government Act 1972.

At the time of compiling this Agenda there were none.

PRIVATE SESSION

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8 Urgent Business - Private Session

To consider any matter which, in the opinion of the Chairman, should be considered in private by reason of special circumstances (to be specified) as a matter of urgency.

Application for a Licence to Keep Dangerous Wild Animals – Dangerous Wild Animals Act 1976		Agenda No: 5
Portfolio	Environment and Place	
Corporate Outcome:	A sustainable environment and a great place to live, work and play A prosperous district that attracts business growth and provides high quality employment opportunities Delivering better outcomes for residents and businesses and reducing costs to taxpayers	
Report presented by:	Daniel Mellini, Environmental Health Manager	
Report prepared by:	Daniel Mellini, Environmental Health Manager	
Background Papers:		Public Report
1) Application for Licence to keep dangerous wild animals (Appendix 1) 2) Licensable area plan (Appendix 2) 3) Insurance schedule to accompany application 4) Location plan (Line) (Appendix 3) 5) Location plan (Aerial) (Appendix 4) 6) Inspection report of veterinary surgeon (Appendix 5) 7) Proposed conditions to be attached should a licence be granted (Appendix 6) 8) Dangerous Wild Animals Act 1976 9) Schedule to the Dangerous Wild Animals Act 1976 - Kinds of Dangerous Wild Animals. 10) Relevant correspondence to the committee.		Key Decision: No
Executive Summary:		
Members of the Licensing Committee are requested to consider an application for a Licence under the Dangerous Wild Animals Act 1976 to keep (farm) wild boar at Pitt Wood, Sturmer Road, New England, Essex, CO9 4BB.		
The applicant already holds a licence (issued 10 th February 2016) to keep 55 wild boar on this site, but wishes to expand the business into the remaining area of woodland and increase the number of animals kept to a maximum of 131 (1 adult male, 10 adult females and 120 rearing/fattening boars up to the age of 20 months).		
The Licensing Committee heard the application on 5th January 2017 and deferred the decision pending a site visit to the premises on 24 th January 2017. Following this there will be a full consideration of the application at the meeting of the Licensing Committee.		

Decision available: To determine one of the following options:-

1. To **GRANT** Mr Bolton's application to keep wild boar, in accordance with the conditions specified in Appendix 6.

Or

2. To **GRANT** Mr Bolton's application to keep wild boar, in accordance with the conditions specified in Appendix 6 and to add conditions as the Committee deems necessary.

Or

3. To **REFUSE** Mr Bolton's application to keep wild boar.

Purpose of Decision:

This report advises the Committee of an application for a licence to keep dangerous wild animals (wild boar) under the Dangerous Wild Animals Act 1976.

Corporate Implications

Financial:	There are no direct financial implications as a result of this application for the Council save those inherent in the licensing process.
Legal:	<p>The Head of Governance has been consulted on this report.</p> <p>Where a person is aggrieved by the refusal of a local authority to grant a licence under the Act or where a person to whom such a licence has been granted is aggrieved by a condition of the licence (whether specified at grant or later) or by the variation or revocation of any condition of the licence he may appeal to the Magistrates' Court.</p> <p>At an appeal the Court may on such appeal give such directions with respect to the grant of a licence or, as the case may be, with respect to the conditions of the licence as it thinks proper, having regard to the provisions of the Act.</p> <p>A Judicial Review application through the Administrative Court is available should any party be dissatisfied with the way in which the Council made its decision.</p>
Safeguarding:	No issues arising from this report.
Equalities/Diversity:	Under the Equality Act 2010, the Council is required to eliminate discrimination, advance equality of opportunity, and foster good relations between equality groups. Carrying out Equality Impact Assessments for plans and

	<p>policies allows the Council to demonstrate that it is meeting these duties.</p> <p>There were no direct Equality implications from this application.</p>
Customer Impact:	No issues arising from this report.
Environment and Climate Change:	There are no direct implications for the Council in relation to this application.
Consultation/Community Engagement:	In considering an application the Local Authority must not grant a licence under the Act unless a veterinary surgeon, or veterinary practitioner authorised by the Authority to do so has inspected the premises where any animal will normally be held in pursuance of the licence and the Authority has received and considered a report by the surgeon or practitioner, containing such particulars as in the Authority's opinion enable it to decide whether the premises are such that any animal proposed to be kept under the authority of the licence may suitably be held there, and describing the condition of the premises and of any animal, or other thing found there.
Risks:	The risk of appeal or Judicial Review.
Officer Contact:	Daniel Mellini
Designation:	Environmental Health Manager (Food, Health & Safety and Licensing)
Ext. No:	2228
E-mail:	daniel.mellini@braintree.gov.uk

1. Background of the Act

- 1.1 Under the Dangerous Wild Animals Act 1976 (referred to as the Act), no person shall keep any dangerous wild animal except under the authority of a licence granted in accordance with the Act by the relevant local authority.
- 1.2 A local authority shall not grant a licence under this Act unless an application for it:-
 - 1.2.1 Specifies the species (whether one or more) of an animal, and the number of animals of each species proposed to be kept under the authority of the licence.
 - 1.2.2 Specifies the premises where any animal concerned will normally be held.
 - 1.2.3 Is made to the local authority in whose area those premises are situated.
 - 1.2.4 Is made by a person who is neither under the age of 18 nor disqualified under this Act from keeping a dangerous wild animal.
 - 1.2.5 Is accompanied by the stipulated fee.
- 1.3 The Act specifies the species considered to be dangerous which includes wild boar (*Sus Scrofa*). A local authority shall not grant a licence under this Act unless the application for it is made by a person who both owns and possesses,

or proposes both to own and to possess, any animal concerned except where the circumstances are in the authority's opinion exceptional.

1.4 A local authority shall not grant a licence under this Act unless it is satisfied that:

- 1.4.1 It is not contrary to the public interest on the grounds of safety, nuisance or otherwise to grant the licence.
- 1.4.2 The applicant for the licence is a suitable person to hold a licence under this Act.
- 1.4.3 Any animal concerned will at all times of its being kept only under the authority of the licence:
 - 1.4.3.1 Be held in accommodation which secures that the animal will not escape, which is suitable as regards construction, size, temperature, lighting, ventilation, drainage and cleanliness and which is suitable for the number of animals proposed to be held in accommodation.
 - 1.4.3.2 Be supplied with adequate and suitable food, drink and bedding material and be visited at suitable intervals.
 - 1.4.3.3 Appropriate steps will at all such times be taken for the protection of any animal concerned in case of fire or other emergency.
 - 1.4.3.4 All reasonable precautions will be taken at all such times to prevent and control the spread of infectious diseases.
 - 1.4.3.5 Whilst any animal concerned is at the premises where it will normally be held, its accommodation is such that it can take adequate exercise.

1.5 In considering an application the local authority must not grant a licence under the Act unless a veterinary surgeon or veterinary practitioner authorised by the authority to do so has inspected the premises where any animal will normally be held.

1.6 The authority will consider a report by the veterinary surgeon or practitioner, containing such particulars as in the authority's opinion enable it to decide whether the premises are such that any animal proposed to be kept under the authority of the licence may suitably be held there, and describing the condition of the premises and of any animal or other thing found there.

1.7 The authority may grant or refuse a licence under the Act as it thinks fit, but where it decides to grant such a licence it shall specify as conditions of the licence where any animal concerned is being kept only under the authority of the licence.

- 1.7.1 The animal shall be kept by no person other than such person or persons as is or are specified.
- 1.7.2 The animal shall normally be held at such premises as are specified in the licence.

- 1.7.3 The animal shall not be moved from those premises or shall only be moved from them in such circumstances as are specified in the licence.
 - 1.7.4 The person to whom the licence is granted shall hold a current insurance policy which insures him and any other person entitled to keep the animal under the authority of the licence against liability for any damage which may be caused by the animal.
 - 1.7.5 The terms of any such policy shall be satisfactory in the opinion of the authority.
- 1.8 Conditions restricting the species (whether one or more) of an animal and number of animals of each species, which may be kept under the authority of the licence. Such other conditions as in the opinion of the authority are necessary or desirable for the purpose of securing the objectives of the licensing regime can be considered.
- 1.9 The authority in granting the licence may at any time vary the licence by specifying any new condition of the licence or varying or revoking any condition of it. A variation to the licence can be requested by the licence holder and the variation shall take effect immediately after the authority decides to make it. In any other case, the variation shall not take effect until the person to whom the licence was granted has become aware of the variation and had reasonable time to comply with it.

2. Application

- 2.1 The determination of applications for a licence to keep dangerous wild animals is delegated to the Council's Environmental Health Department. This particular application is referred to the Licensing Committee for determination given a significant amount of interest in the licence by neighbouring residents.

2.2 Premises

Pitt Wood
Sturmer Road
New England
Essex
CO9 4BB

2.3 Applicant

James Bolton

- 2.4 An application (Appendix 1) was received from Mr James Bolton on 21st October 2016 for a licence to keep dangerous wild animals, in particular wild boar at Pitt Wood, Sturmer Road, New England, Essex, CO9 4BB. Mr Bolton chose to submit an application for a new Licence; he did not submit a request for a variation to the existing license. This is permissible within the terms of the legislation.
- 2.5 The application was deemed valid in accordance with the requirements specified in 1.2.1 to 1.2.5 of this report.

- 2.6 The new licence, if granted by the Committee, covers the entire site, the existing licensed operation and proposed extension, including the increase in the number of animals. The applicant has advised the authority that, subject to the grant of the new licence and commencement thereof, the existing licence will be surrendered
- 2.7 The application was submitted with a plan which details the proposed licensable area (Appendix 2) and will form part of the Licence, subject to grant.
- 2.8 The applicant has provided a valid insurance certificate which covers the activities of both the existing licence and proposed. The certificate provides 5 million pounds of public & products liability cover which satisfies the requirements of the Act and the authority. The insurance cover is in place until 10th November 2017 and will be subject to renewal at that time. The authority was provided with up to date copies of the insurance certificate at the determination of the original application and at time the time the original insurance cover expired on 10th November 2016.
- 2.9 Prior to the Committee Meeting, the Committee will visit the site in question. The visit will enable the Committee to familiarise themselves with the general location and the site itself. This visit is for the committee and public participation is not possible due to the nature of the site. It should be noted that the site visit is not an opportunity to discuss the application or debate its merits, this will happen through the formal committee meeting.
- 2.10 Appendices 3 and 4 show the proposed site in more detail. The appendices show there are a number of residential properties that either border or are in close proximity to the site. The site itself is situated off a road/track called Walton's Lane which serves at least two residential properties being Pitt House, sited immediately before Pitt Wood and Walton's Farm sited approximately 600 metres beyond Pitt Wood. Walton's Lane is served by the A1017 which serves Baythorne End and Ridgewell to the South-East and Sturmer and Haverhill to the North-West.
- 2.11 The site in question which includes the area already licensed and the proposed is approximately 2 to 2.4 hectares in size and the total land available in the wood equates to 2.8 hectares.
- 2.12 The applicant intends to keep up to 131 wild boars at the site comprising of 1 adult male, 10 adult females and 120 rearing/fattening boars up to the age of 20 months.
- 2.13 In assessing whether the proposed licensable area is sufficient in size to accommodate the number of animals requested by the applicant, the authority made a judgement based on:
- 2.13.1 Relevant advice from the appointed veterinary surgeon
 - 2.13.2 Other sources of available advice/guidance.
- 2.14 Advice provided by the appointed veterinary surgeon in section 2 of the inspection report (Appendix 5) provides a clear statement that the size of the

licensable area is adequate for the proposed number of animals which are intended to be placed on the site.

- 2.15 Further advice provided by the veterinary surgeon in a report commissioned by the authority on 24th July 2016, recommends a maximum stocking density of 6 adult wild boars per hectare. The report continues by stating that the area made available to the number of animals in both phases 1 and 2 of the site is adequate.
- 2.16 Scottish Government Species Guidance on the keeping of wild boar provides a recommended outdoor stocking density that should not exceed 10 sows (with their litters) and 1 boar per hectare, whilst 2007 guidance provided by Bangor University states a stocking density of 6 sows a hectare.
- 2.17 The 2003 code of Recommendations for the welfare of Livestock which relates to pigs including wild boar produced by The Department for Environment Food and Rural Affairs states that a higher stocking density than outlined above may be suitable in certain situations.
- 2.18 When referring to stocking densities in the guidance above, it is important to note that only the breeding adults (sows & boar) are included in the calculation, their offspring are disregarded.
- 2.19 In considering the total number of animals to be included on a Licence, the authority considered a number of approaches. It was decided that the number of breeding and rearing/fattening stock should be stipulated on the licence separately and the authority should specify an age where it no longer considers an animal to be included in the rearing/fattening category.
- 2.20 The authority did consider the approach that the number of breeding stock alone be specified on the Licence; which would have meant the number of offspring, would be unlimited. The authority decided against this approach as commercially whilst the number of offspring would be kept until they reached their ideal weight before slaughter, it was felt there should ultimately be an upper limit on the number of animals allowed on the site to limit the concentration of a large numbers of larger rearing / fattening boars. This will assist in preventing nuisance from the site and mitigating potential impacts from the site.

3. Licences issued and variations to the original Licence

- 3.1 The authority issued the first licence to Mr Bolton on 10th February 2016. The Licence stated that Mr Bolton could keep up to 55 wild boar comprising of 15 adults and 40 young boars up to the age of 4 months on a smaller part of the site (approximately 1.2 hectares)
- 3.2 The Licence holder applied to the authority to vary the Licence to increase the age limit placed on the original Licence from 4 months to 8 months. The variation was agreed by the authority and a new Licence issued on 6th September 2016.

3.3 As a result of the deferred decision made by the Licensing Committee on 5th January 2017, the applicant has applied for a further variation to the licence which will allow up to 7 of the existing wild boar to be kept on the site beyond the age of 8 months until the latest application is determined on the 24th January 2017.

3.3.1 The authority by the way of delegated authority agreed to the variation and has provided the applicant with written authorisation to keep up to 55 wild boar comprising of 15 adults as a breeding group and 7 wild boar over 8 months but less than 9 months and 33 young boars up to the age of 8 months. The variation will cease to have effect from the 1st February 2017 where the Licence reverts to that issued on the 6th September 2016. For clarity the variation does not change the number of animals on site, not permit additional animals to be introduced as a result of the variation. The 7 animals concerned would be permitted under the applied licence and this variation purely allows for them to remain pending determination of the application. If the licence is not granted then the animals will need to be removed from site.

4. Public communication

4.1 The public were not directly consulted as part of the latest application process.

4.2 The authority did notify a complainant that an application had been received and which would be determined by the Licensing Committee. In response, the authority has received a number of letters of objection and support to the proposed application. Five letters of objection and three letters of support were received.

4.3 In considering the application, Members will be provided all the material specified in 4.2 above in a separate pack. The applicant has also provided a letter of clarification to the committee which is included.

4.4 The authority has received a number of complaints concerning the issue of the original dangerous wild animal Licence and subsequent amendments to the Licences issued thereafter.

4.5 The authority is aware that a complaint has been referred to the Local Government Ombudsman with respect to the handling of the first application for a Licence. The authority is satisfied with the outcome that the existing Licence was granted and has no intention to revoke the existing Licence. It should be noted that the Local Government Ombudsman has no power to revoke the existing licence.

4.6 A summary of the complaints received are as follows:

- i) Potential devaluation of property as animal enclosure is within approximately 5 metres of complainant's boundaries.
- ii) Rat infestation, odour and noise associated with keeping the animals.
- iii) The enclosure is too close to Walton's Lane and the old railway line where people walk, go horse riding etc.

- iv) The enclosure is too close to A1017, should an animal escape there is a potential for an accident.
 - v) The residents of neighbouring properties were not consulted during the application process by the applicant or the District Council.
 - vi) The complainants do not feel safe in their own homes due to the proximity of the animals.
 - vii) The dog of one of the complainants is unable to roam around their own garden due to the potential for an animal to escape.
 - viii) The wood where the animals are kept is too small.
 - ix) The licence holder, Mr Bolton does not live on site and would not be able to respond to an emergency within the time frame specified on the licence.
 - x) Branches were observed lying on the electric fencing for a number of hours on 28th December 2015 by one of the complainants. The fear is this will constantly occur due to the nature of the site and the habits of the animals.
 - xi) Tree or tree branches could fall onto the compound perimeter causing a potential escape issue.
 - xii) The farm could be subject to poachers or animal activists.
 - xiii) The licence holder or District Council is unable to declare the premises 100% safe.
 - xiv) The fear of the animals and resultant health issues this causes or may cause to the complainants.
 - xv) The complainants feel the applicant is not a suitable person to hold a licence as a number of animals were kept on the premises before the original licence was granted.
 - xvi) The licence holder transported a number of the animals from one premises to another without the necessary licence issued under the Dangerous Wild Animals Act 1976 to do so.
 - xvii) The licence holder may not have completed the process to move animals in accordance with Department for Environment, Food and Rural Affairs requirements.
- 4.7 The Council has provided responses on each of the issues raised and does not consider that any further action is warranted at this time.
- 4.8 The Council's Environmental Health team have also received a number of complaints from residents living in close proximity to the premises. The first complaint from two separate properties was received on 7th June 2016 and

related to alleged noise and odour nuisance and the presence of rodents connected to the activities from the site.

- 4.9 Environmental Health sent letters to the individual complainants, which incorporated self-assessment diary sheets. A letter was also sent to the Licence holder who was informed that complaints had been received.
- 4.10 The self-assessment diary sheets were returned to Environmental Health on 3rd July 2016 and 13th July 2016. As a result of the data obtained in the self-assessment, noise nuisance recording equipment was installed in both properties for a period of 7 days to investigate the complaints. An assessment of the self-assessment data was unable to substantiate evidence of a significant odour issue at that time.
- 4.11 The analysis of the noise nuisance recordings indicated the levels of noise recorded was not a 'Statutory Nuisance' in accordance with the requirements of Section 79 of the Environmental Protection Act 1990. There was no evidence of a rodent infestation connected to the activities from the site. The complainants and Licence holder were informed of the outcome of the investigation.
- 4.12 A complaint was received in September 2016 regards noise connected to the shooting of the wild boar during the slaughtering process. This complaint was discussed with the complainant who was advised that due to the short duration and infrequent occurrence of the activity, it was considered unlikely to be a nuisance.
- 4.13 A further complaint of odour was received at the end of October 2016, but the complaint was closed on 9th December due to the lack of supporting evidence from the complainant. At the time of the preparation of the report there are no active odour complaints being considered by the authority.
- 4.14 Environmental Health received a complaint on 3rd January 2017 regards the presence of rodents believed to be connected to the site. A site visit by an Environmental Health Officer on 9th January 2017 did not confirm the presence of rodents but Environmental Health will discuss the allegation with the land owner and undertake a site visit to ascertain potential harbourage or signs of infestation. A verbal update will be provided to the Committee.

5. Veterinary Report

- 5.1 A veterinary surgeon appointed and authorised by the Council undertook an inspection of the premises on 18th November 2016 in the presence of representatives of the Council and the applicant.
- 5.2 The appointed veterinary surgeon has 29 years' experience and is the senior partner of a large mixed practice. The veterinary surgeon has a wide experience of equine, farm and exotic species and has provided veterinary services to Banham Zoo and Africa Alive for over 20 years. The veterinary surgeon is currently a List 1 Zoo inspector and has held this position for over 15 years. The veterinary surgeon has conducted inspections for a number of local

authorities and inspected a number of dangerous wild animal species over a 15 year period.

- 5.3 The veterinary surgeon has specific knowledge of a range of large species including wild boar. Experience which is directly relevant to the application includes; the consideration of applications for wild boar under the Dangerous Wild Animals Act for non-commercial holdings. Working with large commercial farms managing commercial pigs. The veterinary surgeon is a Red Tractor Assured Food Standards inspector for commercial pig farms and undertakes regular quarterly inspection visits. The Red Tractor scheme is a commercial farming quality assurance standard. The veterinary surgeon also has experience of a range of other “wild pigs” within a zoo setting.
- 5.4 The inspection report received by the Council on 2nd December 2016 (Appendix 5) detailed no concerns with the current operation and recommends that a Licence is granted under the Act.
- 5.5 As a result, the authority are satisfied the site is fit for purpose and meets the requirements of the Act in terms of animal husbandry, safety and security. The authority is also satisfied is a suitable person to hold a licence.

6. Review of existing Licence conditions

- 6.1 At receipt of the latest application a review of the existing Licence and conditions was undertaken.
- 6.2 The purpose of the review was to ascertain the relevancy and enforceability of each condition attached to the current licence. It was determined that whilst the majority of the conditions were acceptable a number of changes were required. A draft set of conditions can be found at appendix 6.
- 6.3 To provide clarity to the Committee, it would not be suitable to attach conditions to a Licence where the meaning of a condition is either already reflected in the basis of the legislation itself or through other regulatory means.
- 6.4 As an example the following condition was removed from the Licence.
 - 6.4.1 “The Licensee shall not allow the animals to be kept in such manner or position that gives reasonable cause for complaint of nuisance or annoyance to the owners/occupiers of adjacent or nearby properties”.
- 6.5 The condition was removed as there are remedies to prevent/control Nuisance in Section 79(1) of the Environmental Protection Act 1990. Where appropriate legislation controls a stated aim, the Licence should not provide a separate linked obligation. Further the condition refers to annoyance; this is not defined and is a subjective standard. Accordingly should the Council wish to take action to enforce a condition containing this it would be extremely difficult to provide sufficient detailed evidence to a court to sustain a prosecution or similar action. Given this it is not proposed to include a condition which is practically unenforceable.

7.0 Land ownership and use

7.1 Public Rights of Way – Walton’s Lane, Sturmer (Track from A1017 to Upper House Farm, Sturmer)

- 7.1.1 Representations have referred to the public accessing the site from track known as “Walton’s Lane” or “The End Way” (“the track”). The track runs from the A1017 in a westerly direction to Upper House Farm (where it meets Hill Lane) along the northern boundary of the site and provides access to Pitt House, Pitt Wood, Walton’s Farm and Upper House Farm. The track is intersected by the former railway line.
- 7.1.2 The representations included reference to the site being accessed by the public indicating that this was an access right.

7.2 Public Rights of Way (Footpath, Bridleway, Byway and Restricted Byway)

- 7.2.1 The Definitive Map of Public Rights of Way, which is conclusive evidence to the existence and location of Public Rights of Way, show that there are no public rights of way along the line of the track from which the public may access the site.
- 7.2.2 Enquires of the Definitive Map also reveals that there are no pending applications to add a public right of way along the track.
- 7.2.3 Braintree District Council is satisfied there are no Public Rights of Way over the track from which the public can access the site.

7.3 Public Highway (Road)

- 7.3.1 Documents which have been shared with Braintree District Council show that enquires have been made of Essex Highways, holders of Highway Records and the Definitive Map Officers, to establish whether the track was a public highway.
- 7.3.2 Conclusions of a highway investigation carried out in May 2016 by Essex Highways following enquires from Unwin Estates Limited in respect of Walton’s Farm and the track established that a short part of the track is public highway with the remainder being private.
- 7.3.3 Essex Highways concluded that the length of the track from Upper Farm House east to the western boundary of Walton’s Farm is part of the public highway; this is well away from the site. The remainder of the track is privately owned (from Walton’s Farm to the A1017) and is understood to belong to the Unwin’s Estate.
- 7.3.4 Braintree District Council is satisfied that the track is not a public highway from which the public can access the site.

7.4 Private Rights of Access

- 7.4.1 The fact that the track is not subject to public rights does not preclude the existence of any private rights over the track. Private rights are usually limited to access over the track and not to enter land adjacent to it. It is understood from that owners of Pitt House have private right of access over the track to their property. Access can only be exercised in accordance with the grant of private access and cannot be extended to enable general public access “as of right”.
- 7.4.2 Braintree District Council is satisfied that whilst there are private rights of access, these do not extend to accessing the site (save for those belonging to the applicant). Public access to the site from the track would be by way of trespass which could result in the applicant and the owners of the track taking legal action for trespass.

7.5 Ordnance Survey Map.

- 7.5.1 The Ordnance Survey Map shows the track on the 1:50,000 OS Map as a red dotted line, which is referred to on the legend as “other route with public access”. This delineation does not confer any public rights of access. Ordnance Survey confirms that enquiries should be made of the Highway Authority to establish the scope of the access. Essex County Council as the Highway Authority has confirmed they have no records of access rights, nor records of any permissive rights.

8. On site slaughter of animals and disposal of animal bi-products

- 8.1 The question regards the lawful slaughter of animals on the site has been raised. The authority is satisfied the applicant is lawfully authorised to slaughter farmed boar on site in accordance with the confirmation sent by the Food Standards Agency to the authority on 14th September 2016.
- 8.2 The question of the disposal of animal bi products was also raised as there is a fear that waste products connected to the slaughter process could contaminate the soil in the wood. The applicant has obtained advice from the Animal Health Agency which is an Executive Agency sponsored by the Department for Environment, Food & Rural Affairs. The advice received and copied to the authority states that animal bi products can be collected and transported by Mr Bolton lawfully and disposed of at a certified animal bi-products facility. The advice goes on to state should Mr Bolton wish to dispose of the bi-products on the land itself, Mr Bolton would need to purchase an incinerator and seek approval to operate it.
- 8.3 Mr Bolton has advised that any bi-products collected as a result of slaughter are minimal in quantity, however transported to Martins which is a certified animal bi-products facility, in Braintree at the same time any carcasses are transported to Humphreys slaughter house where the animals are inspected and eviscerated.

9. Duration of and Conditions of Licence

- 9.1 In the event a Licence is granted it shall be in force for a period of 2 years as stated in the Act. Should the Licence be granted at the time of the Committee, the Licence will commence from the 24th January 2017 and run until the 23rd January 2019.
- 9.2 Conditions will be attached to the Licence. The proposed conditions can be found in draft at Appendix 6. It is felt the attached conditions will help meet the requirements of the Act and provide additional public safety safeguards and help minimise public nuisance.

10. Conclusions and Recommendations

- 10.1 For the reasons outlined, it is considered that the application meets the requirements of the Act, in that issuing a Licence is not contrary to the public interest on the grounds of safety, nuisance or otherwise to grant the Licence. The applicant is a suitable person to hold a Licence under this Act and the specified animals will at all times of their being kept only under the authority of the Licence.
- 10.2 It is recommended that the application is granted. In the event that the Committee considers the application should be granted, conditions agreed with the authorised veterinary surgeon and applicant will be applied to the licence. The draft version of the conditions to be attached to the Licence can be found at Appendix 6. The Committee may wish to add additional conditions to the Licence at their discretion.
- 10.3 The Licensing Committee is requested to:
- 10.3.1 Consider the terms of this report and any submissions made and
 - 10.3.2 Make an appropriate determination of the application

BAA / 06/01856/DWA

DANGEROUS WILD ANIMALS ACT 1976**APPLICATION FOR LICENCE TO KEEP DANGEROUS WILD ANIMALS**
(PLEASE COMPLETE IN BLOCK CAPITALS)**Braintree**
District CouncilTo Braintree District Council
Causeway House, Braintree, Essex, CM7 9HB

Applicants Name

JAMES BOLTON

Applicants Address incl Postcode



Address where animal to be kept (incl Postcode)-

PITT WOOD, STURMER ROAD, NEW ENLAND, ESSEX CO9 4BB

Species of Animal to be kept	Scientific Name	No of Males	No of Females	Are they to be bred from?
WILD BOAR	Sus Scrofa	1	10	Yes No
WILD BOAR	Sus Scrofa,	1	20 TOTAL	Yes No
				Yes No
				Yes No

(Please continue on separate sheet if required)

Description of types/s food to be supplied and where sourced from

SOW CUBES	MARRICES ANIMAL FEEDS
SOW PENCILS	DOFFIELDS ANIMAL FEEDS
FODDER BEET / POTATOES	RAY WILLSON FEEDS LTD.
CARROTS / PARSNIPS	

Details of insurance cover.

Please provide a copy of the certificate upon application.

Company name and address- SAFERON INSURANCE LTD, 22 HIGHSTREET, STEVENAGE, HERTS SG1 1AX

Policy Number-

Sum insured- PUBLIC LIABILITY £5'000'000
EMPLOYERS LIABILITY £10'000'000

Expiry date- 10/11/2016

Size and description of accommodation including materials used	
Walls	
Floor	
Fencing	DETAILS ATTACHED
Roof	
Heating	
Ventilation	
Drainage	

Please give details of the veterinary surgeon for the animal/s-

RICHARD FROST

HAWKEDON VETERINARY SURGERY, REDE ROAD, HAWKEDON, BURY ST EDMUNDS, SUFFOLK

Please give details of procedure for evacuating animals in case of emergency or fires-

1P29 4NP

ALL DETAILS ATTACHED

If the animal is venomous, please give details of procedures for dealing with an escape, envenomed wound and details of a second qualified handler- Please give as much detail as possible.
(Please use another sheet if required).

I hereby declare that I am over 18 years of age and not disqualified by being convicted of any offence at any time under the Protection of Animals Acts 1911 to 1964, the Protection of Animals (Scotland) Act 1912, The Protection of Animals Act 1934, the Pet Animals Act 1951, the Animal Boarding Establishments Act 1963, the Riding Establishments Acts 1964 and 1971 or the Breeding of Dogs Act 1973

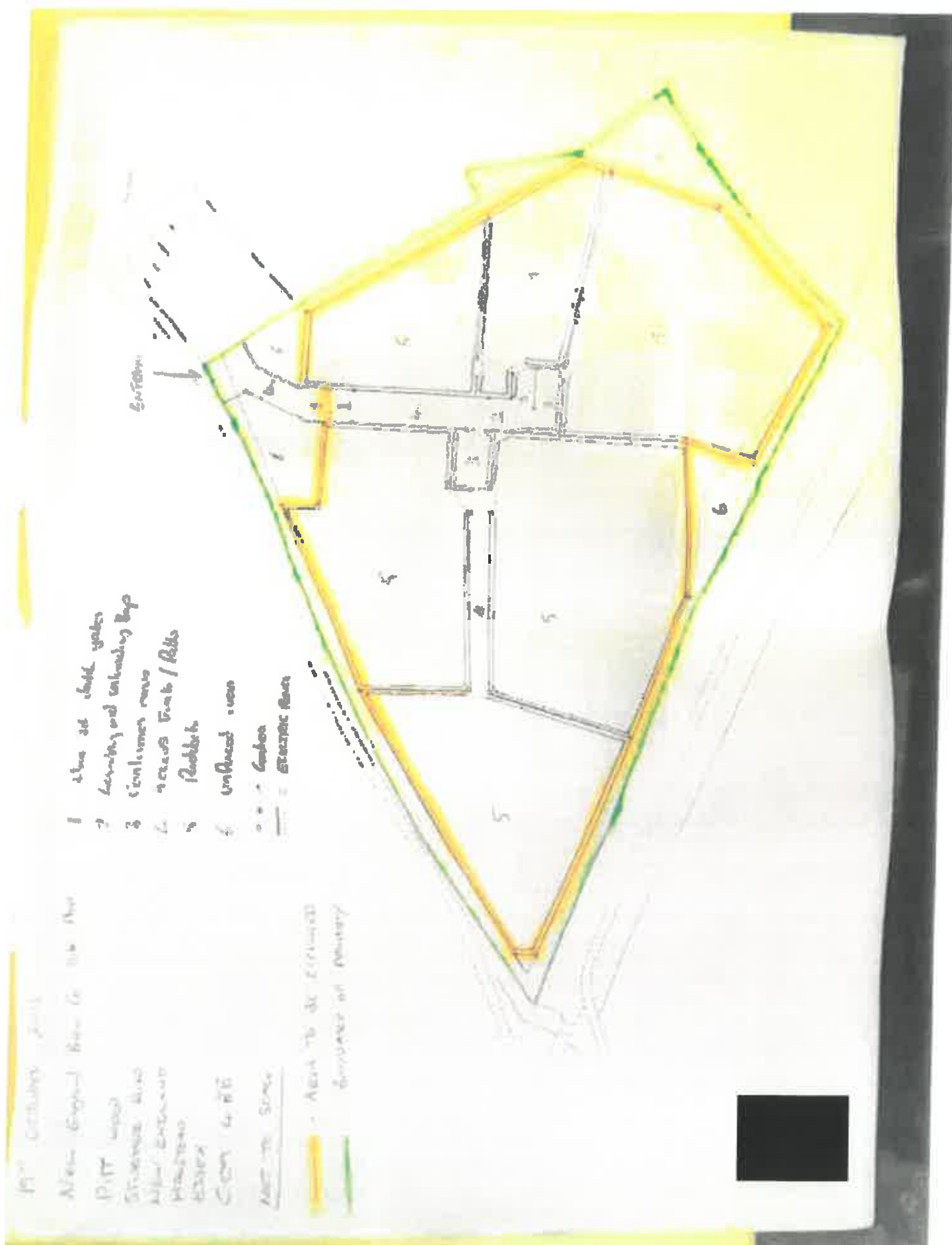
A fee of £370.00 accompanies this application.

Cheque Number

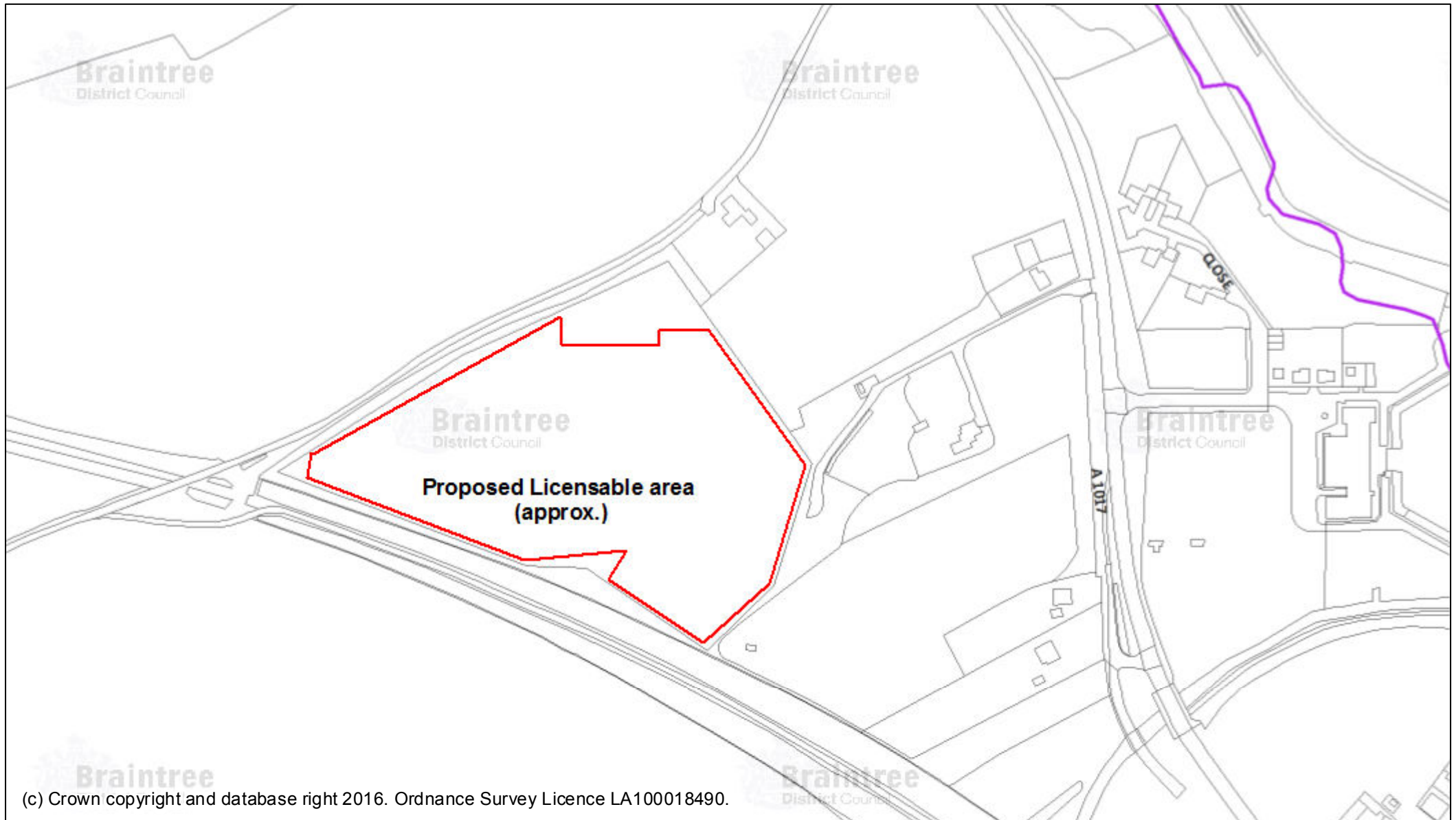
Signed

Dated

19 - 10 - 2016



Appendix 3 (Proposed licensable area)



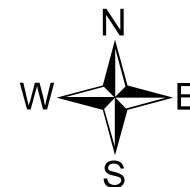
Date: 09 Dec 2016

Author: Licensing

Map Notes Line

0 15 30 60 90 120 Meters

Scale: 1:2,500



Appendix 4 (Proposed licensable area)



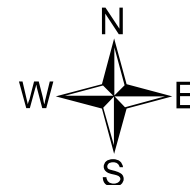
Date: 09 Dec 2016

Author: Licensing

Map Notes Aerial

0 15 30 60 90 120 Meters

Scale: 1:2,500



Dangerous Wild Animals Act 1976
Inspection Report of Veterinary/Licensing Officer

Premises: Pitt Wood Wild Boar
 Proprietor: Mr J Bolton
 Address: Pitt Wood, Sturmer CO9 4BB
 Date of visit: 18 November 2016 Time: 1400 File No: 16/01836/DWA

1 Animals to be kept at the premises

Species	Number/male/female	Notes
Wild Boar	1breeding boar 10 sows	
Wild Boar	120 rearing/fattening	Up to max age of 20 months

(Please continue on back page if necessary).

2 Accommodation for animals

Security: Good – appropriate metal fencing with under turn and two strand electric wire

Size: Adequate for proposed number

Exercise facilities: Outdoor - woodland

Construction: Pig arks for shelter

Temperature: Outdoor

Lighting: As above

Ventilation: As above

Drainage: Good – land not heavy

Cleanliness: Good

Suitable bedding: Provided in arks

3 Food and drink

Food and water and feeding regime suitable and adequate: Add lib water food appropriate

4 Infection control

Reasonable precautions to prevent and control disease: Good working practices and policy

5 Animals

As described in the application: Yes

In good health and condition: Yes

6 Management

Applicant resident at the premises: No

Does the applicant appear to be a fit and proper person to hold a licence:

Yes – already holds a licence for phase one of the farm

7 Fire and other emergency precautions

Fire/Emergency alarm system: Plan in place

Emergency precautions and procedures: Plan in place

Fire fighting equipment – maintenance: N/A

Electrical maintenance. RDC system: N/A – battery powered fencer energisers

Heating appliances: N/A

Accumulation of material Appropriately disposed of

8 General observations and additional conditions

The currently licenced farm is well run with sound working systems in place. This application is to increase the size of the unit to allow grow out and fattening of the piglets.

The construction of the additional part of the unit is similar to the existing unit and is done to a high standard.

The expansion is away from neighbouring dwellings and in my opinion is unlikely to cause any nuisance with regard to noise or smell, neither of which were experienced during the inspection.

I recommend that a Licence be granted under the Act.

Signature: 

Qualifications: B.Vet.Med. MRCVS

Name: HA Williamson

Date: 28 November 2016

1. Whilst any animal concerned is being kept under the authority of the licence
 - i. The animal(s) shall be kept by no person other than the licence holder.
 - ii. The animal(s) shall normally be held at the location specified.
 - iii. The animal(s) shall not be moved from the location or shall only be moved from them in such circumstances as are specified in condition 15.
 - iv. The licence holder shall hold a current insurance policy which insures him and any other person entitled to keep the animal(s) under the authority of the licence against liability for any damage which may be caused by the animal(s), for a minimum sum of £5 million.
 - v. The terms of any such policy shall be subject to approval of the authority.
2. No animal requiring licensing under the Dangerous Wild Animals Act 1976 shall be permitted at the location, unless authorised in the schedule.
3. The licence holder shall at all reasonable times make available a copy of the licence to any person entitled to handle or manage the animals under the authority of the licence.
4. All doors to the specified animal compounds/cages shall be kept locked at all times save for access. This condition relates to the following gates as marked on the plan attached to the Licence.

Main Gate to area 1
Gate to loading and unloading bay area 2
Gates to containment areas 3
5. Notices must be displayed at key locations at the site as agreed by the Local Authority. The Notices displayed shall state the following:

Keep Out
Wild Boar
Please keep dogs on lead
Contact details in the case of emergency
6. All animals shall have an adequate supply of wholesome drinking water available at all times.
7. All animals shall be adequately supplied with suitable food.

8. All animals shall be visited at least on one occasion per day.
9. The licence holder shall take reasonable measures to prevent and control the spread of infection or disease amongst animals, including arrangements for proper veterinary treatment or advice and isolation as appropriate.
10. All reasonable steps and precautions shall be taken to prevent unauthorised access to, or escape of, the animals.
11. Plan – The layout of the location must be maintained as shown on the plan attached. The licence holder shall notify the Local Authority of any proposed changes to the layout of the location prior to any changes being made.
12. Perimeter fencing
 - i. Stock wire capped back on ground to a minimum of 300mm (1 Foot), fixed down with wooden stakes and /or pins and barbed wire. The fencing must be at least 1.6 metres high (5 Foot 2 inches)
 - ii. Perimeter fencing must be checked at least daily for integrity and any necessary repairs undertaken immediately or any licensed animals shall be isolated from the fence to prevent escape until such repairs are carried out.
 - iii. A daily record of inspection of perimeter fencing to be maintained, to detail any remedial action.
13. Electric fencing
 - i. Electric fencing must be provided within the perimeter fencing. This must be positioned at least 300mm inside the perimeter fence and be at least 300mm high.
 - ii. Electric fencing must be checked at least daily for integrity & adequate voltage and any necessary repairs undertaken immediately or any licensed animals shall be isolated from the fence to prevent escape until such repairs are carried out.
 - iii. A daily record of inspection of electric fencing to be maintained, to detail any remedial action.
14. Supervision – The licence holder must reside within 15 minutes travelling distance from the site. If the licence holder is not able to attend site within a reasonable time period in case of an emergency, at least two other responsible persons should be nominated, at least one of whom should attend. The contact

details of these persons must be lodged with the Police and Fire Service of both Essex and Suffolk, as well as the Licensing Authority.

15. Movement – The Licensing Authority must be notified within 14 days of the destination and name and address of the new owner of any animals removed from site, the Licensing Authority for the area and the licence number of the new owner. (Any animal may on authority of a veterinary surgeon be moved to premises controlled by the veterinary surgeon for purposes of treatment).
16. The licence holder shall maintain and keep updated an emergency & fire management control plan and implement as necessary.